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## State Water Resources Control Board

**TO:** Robert Cooke, Chief  
State Water Project Analysis Office  
Department of Water Resources  
P.O. Box 942836  
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**ORIGINAL SIGNED BY:**

**FROM:** Barbara Evoy, Deputy Director  
Division Of Water Rights  
State Water Resources Control Board

**DATE:** OCT 24 2014

**SUBJECT:** REQUEST FOR ADDITIONAL EXCHANGE OF WATER PURSUANT TO DIVISION OF WATER RIGHTS MARCH 28, 2014 ORDER APPROVING CONSOLIDATED PLACE OF USE UNDER SPECIFIED LICENSE AND PERMITS OF THE STATE WATER PROJECT AND CENTRAL VALLEY PROJECT (CPOU ORDER)

On March 28, 2014, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), issued an order approving petitions<sup>1</sup> from the Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (Reclamation) requesting temporary changes in the place of use of water rights of the State Water Project (SWP) and Central Valley Project (CVP). The CPOU Order temporarily approved a consolidated place of use for DWR's SWP with Reclamation's CVP allowing for transfer/exchange of water for projects that were detailed in the original petitions. Condition 5 of the CPOU Order provides a process for DWR and Reclamation to request the approval of transfers/exchanges not specifically identified in the petitions if the proposed transfer/exchange meets certain criteria as detailed in the CPOU Order as follows:

- a) The total quantity of water delivered to any SWP or CVP contractor under this order shall not exceed historic average deliveries to the contractor as stated in the attachments provided with the petition for change.

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<sup>1</sup> The petitions were filed for Permit 16479 (Application 14443) of the Department of Water Resources' State Water Project and License 1986 and Permits 11885, 11886, 12721, 11967, 11887, 12722, 12723, 12725, 12726, 12727, 11315, 11316, 11968, 11969, 11970, 12860, 11971, 11972, 11973 and 12364 (Applications 23, 234, 1465, 5626, 5628, 5638, 9363, 9364, 9366, 9367, 9368, 13370, 13371, 15374, 15375, 15376, 15764, 16767, 16768, 17374 and 17376, respectively) of the United States Bureau of Reclamation's Central Valley Project.

- b) Transfers or exchanges under this order shall not result in the net decrease of San Joaquin River or Sacramento River flow over the period of the transfer. The transfer or exchange will not result in an increase in saline drainage to the San Joaquin River.
- c) Transfers or exchanges shall not result in any increase in the amount of water diverted from the Delta. The water to be exchanged is part of any available Project allocations, water currently stored in San Luis Reservoir, or previously placed in groundwater storage south of the Delta. Further, the water to be exchanged or transferred would have been consumptively used or stored in the absence of the transfer.

On October 20, 2014, DWR submitted a request to the Division pursuant to Condition 5 of the CPOU Order. DWR's request is based on an additional exchange requested by Kern County Water Agency (KCWA) and Westlands Water District (WWD). DWR described the KCWA/WWD exchange project as follows:

KCWA has identified an additional exchange to facilitate the return of up to 4,627 acre-feet of previously stored CVP to WWD. Harris Farms, LLC, a landowner in WWD and participant in the Semitropic Water Storage District (SWSD) groundwater banking program has requested the return of its previously stored CVP water from SWSD (a member agency of the Kern County Water Agency). Recovery of the stored CVP water must be accomplished by exchange. To facilitate the return, KCWA on behalf of SWSD will deliver up to 4,627 acre-feet of its SWP water to WWD in exchange for a like amount of previously stored CVP water in the Kern Water Bank (KWB). The total quantity of transfers and exchanges implemented under the Consolidated Place of Use Order will not exceed 277,863 acre-feet as authorized in the order.

DWR has indicated that the proposed exchange meets all criteria identified under Condition 5 of the CPOU Order as described below:

- a) The exchange will facilitate the return of previously stored CVP water. It will not result in an increase in allocations to WWD. The amount of water delivered to WWD in 2014 will remain far below average even with the recovery of storage from the KWB.
- b) The water to be transferred to KCWA in exchange for the delivery of SWP water to WWD's service area is a prior year's CVP water supply banked by Harris Farms, LLC, for its exclusive use in a future year. No additional water will be diverted from the Sacramento or San Joaquin Rivers as a result of the exchange as the SWP water to be exchanged to WWD is already in storage in the SWP. Therefore there will be no net loss in water to the Sacramento or San Joaquin Rivers.

WWD has instituted a complete tail water recovery system within its service area. Consequently, no additional tailwater from WWD will be discharged into the San Joaquin River, so the exchange will not result in an increase in saline drainage to the river.

- c) The transfer will not result in an increase in water diverted from the Delta. The exchange will be implemented only to the extent that there is SWP water available consistent with current SWP operations. The SWP water to be exchanged to WWD is

already in storage within the SWP. No new water will be diverted from the Delta to complete the exchange, and no change in SWP or CVP allocations will be made. The purpose of the exchange is to allow the recovery of previously stored CVP water supplies during a year with critical water supply shortages. If there is not sufficient SWP or CVP water available to complete the exchange, the water will remain in storage in the KWB.

Pursuant to Condition 5 of the 2014 CPOU Order, KCWA's exchange up to 4,627 af of CVP water to WWD in 2014 as described above is approved.

If you require further assistance, please contact Kate Gaffney at (916) 341-5360 or by email at [kathryn.gaffney@waterboards.ca.gov](mailto:kathryn.gaffney@waterboards.ca.gov). Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Kate Gaffney, P.O. Box 2000, Sacramento, CA, 95812-2000.

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